

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PREMIUM RETAIL SERVICES, INC.,)

Plaintiff,)

v.)

MAKE RETAIL, LLC, et al.,)

Defendants.)

No. 4:13-CV-36 CAS

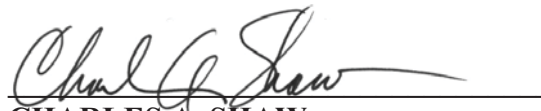
ORDER

This matter is before the Court on review of the file. Counter-claimants Make Retail, LLC and Made & Co, LLC filed their First Amended Counterclaim on March 8, 2013. The Amended Counterclaim supercedes their original counterclaim and renders it without legal effect. See In re Atlas Van Lines, Inc., 209 F.3d 1064, 1067 (8th Cir. 2000). As a result, pending motions pertaining to the original counterclaim should be denied as moot, see Pure Country, Inc. v. Sigma Chi Fraternity, 312 F.3d 952, 956 (8th Cir. 2002), without prejudice to the filing of motions concerning the amended counterclaim.

Accordingly,

IT IS HEREBY ORDERED that counter-defendant Premium Retail Services, Inc.'s motion to dismiss counter-claimants' original counterclaim is **DENIED as moot** without prejudice.

[Doc. 15]


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 13th day of March, 2013.